

Attorney Docket: 501038.20539 Customer No.: 026418

## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant:

Michael R. Treat et al.

Art Group:

3739

Serial No.:

09/839,988

Examiner:

Lee S. Cohen

Filing Date: April 20, 2001

Confirmation No.: 3108

For:

ELECTROTHERMAL DEVICE FOR COAGULATING,

SEALING AND CUTTING TISSUE DURING SURGERY

August 16, 2004

Mail Stop: AMENDMENT Commissioner for Patents P.O. Box 1450 Alexandria, A 22313-1450

## $2^{ND}$ SUPPLEMENTAL INFORMATION DISCLOSURE STATEMENT

SIR:

The enclosed Information Disclosure Statement ("IDS") is submitted in accordance with 37 C.F.R. §§ 197 and 1.98, and it is requested that the information set forth in this statement and in the listed documents be considered during the pendency of the above-identified application, and any other application relying on the filing date of the above-identified application or cross-referencing it as a related application.

In accordance with 37 C.F.R. § 1.98 forms PTO-1449 are attached hereto. Copies of the documents cited are enclosed.

Attorney Docket: 501038.20539

Customer No.: 026418

The filing of this IDS should not be construed as a representation that a search has been made or that information cited is, or is considered to be, material to patentability as defined in § 1.56(b), or that any cited document listed or attached is (or constitutes) prior art. Unless otherwise indicated, the date of publication indicated for an item is taken from the face of the item and Applicants reserve the right to prove that the date of publication is in fact different.

Counsel certifies that, upon information and belief, each item of information listed herein was either (a) cited in a communication from a foreign patent office in a counterpart foreign application not more than three months prior to the filing of this IDS; or (b) was not cited in a communication from a foreign patent office in a counterpart foreign application and, to the knowledge of undersigned after making reasonable inquiry, was not known to any individual designated in 1.56(c) more than three months prior to the filing of this IDS.

No fee is believed due. However, any fee necessary for entry of this paper should be charged to **Deposit Account No. 50-1529**.

Respectfully submitted

August 16, 2004

William H. Dippert Registration No. 26,723

Reed Smith LLP 599 Lexington Avenue 29<sup>th</sup> Floor New York, New York 10022-7650

Telephone: 212-521-5400

Facsimile: 212-521-5450

PTO/SB/08A (04-03)

Approved for use through 04/30/2003. OMB 0651-0031 U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

Under the Paperwork Reduction e required to respond to a collection of information unless it contains a valid OMB control number.

Substitute for form 1449/PTO

Sheet

## INFORMATION DISCLOSURE STATEMENT BY APPLICANT

(Use as many sheets as necessary)

Customer No.: 026418 Application Number 09/839,988 Filing Date April 20, 2001 First Named Inventor Michael R. Treat Art Unit 3739 **Examiner Name** Lee S. Cohen Attorney Docket Number 501038.20539

				TOCUMENTS	
Examiner Initials*	Cite No. <sup>1</sup>	Document Number  Number-Kind Code <sup>2 (# known)</sup>	Publication Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Document	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear
		<sup>US-</sup> 2,012,937	09-03-1935	G.H. Beuoy	
		<sup>US-</sup> 6,313,439	11-06-2001	Fischbach et al.	
		US-			
<u> </u>		US-			
	1	US-			
		US-			
	<del>                                     </del>	US-			
		US-			
		US-			

FOREIGN PATENT DOCUMENTS									
Examiner Initials*	Cite No.1	Foreign Patent Document	Publication Date	Name of Patentee or Applicant of Cited Document	Pages, Columns, Lines, Where Relevant Passages Or Relevant Figures Appear	T <sup>6</sup>			
		Country Code <sup>3 -</sup> Number <sup>4 -</sup> Kind Code <sup>5</sup> (if known)	MM-DD-YYYY						
						_			
						ĺ			

Examiner	Date	
Cinnet		· I
Signature	Considered	. [

\*EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant. Applicant's unique citation designation number (optional). See Kinds Codes of USPTO Patent Documents at <a href="https://www.uspto.gov">www.uspto.gov</a> or MPEP 901.04. Enter Office that issued the document, by the two-letter code (WIPO Standard ST.3). For Japanese patent documents, the indication of the year of the reign of the Emperor must precede the serial number of the patent document. Nich of document by the appropriate symbols as indicated on the document under WIPO Standard ST. 16 if possible. Applicant is to place a check mark here if English language

Translation is attached.

This collection of information is required by 37 CFR 1.97 and 1.98. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 2 hours to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, Washington, DC 20231. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, Washington, DC 20231.

If you need assistance in completing the form, call 1-800-PTO-9199 (1-800-786-9199) and select option 2.

PTO/SB92 (08-00) Approved for use through 10/31/2002. OMB 0651-0031 U. S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

rwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it contains a valid OMB control number.

## Certificate of Mailing under 37 CFR 1.8

I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to:

> Mail Stop: AMENDMENT Commissioner For Patents P.O. Box 1450 Alexandria, VA 22313-1450

August 16, 2004 Date

> Welling A. S William H. Dippert Registration No. 26,723

> > Reed Smith LLP 599 Lexington Avenue 29th Floor New York, New York 10022-7650

Tel: 212-521-5400; Fax: 212-521-5450

Note: Each paper must have its own certificate of mailing, or this certificate must identify each submitted paper.

Applicant:

Michael R. Treat, et al.

Serial No:

09/839,988

Filing Date: April 20, 2001

For:

ELECTROTHERMAL DEVICE FOR COAGULATING...

Enclosures: (1) Information Disclosure Statement (2 pages);

(2) IDS Citation (1 page) with two cited references;

(3) Acknowledgement Postcard.

Burden Hour Statement: This form is estimated to take 0.03 hours to complete. Time will vary depending upon the needs of the individual case. Any comments on the amount of time you are required to complete this form should be sent to the Chief Information Officer, U. S. Patent and Trademark Office, Washington, DC 20231. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Assistant Commissioner for Patents, Washington, DC 20231.